

**ADOPTED REGULATION OF THE  
NEVADA INTERSCHOLASTIC ACTIVITIES ASSOCIATION**

**LCB File No. R012-14**

Effective June 23, 2014

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-3, NRS 386.430 and 386.433.

A REGULATION relating to interscholastic activities; revising the circumstances under which the Nevada Interscholastic Activities Association may approve a game, contest or meet for an all-star team; repealing certain provisions governing participation by a pupil in an all-star game, contest or meet; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the formation of the Nevada Interscholastic Activities Association for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic activities in the public schools of this State and requires the Association to adopt regulations to carry out the provisions governing those events. (NRS 386.420, 386.430) Existing law further requires the Association to adopt regulations to provide criteria for use by the Association when determining whether to approve or disapprove: (1) the staging of an all-star game, contest or meet by any other organization; and (2) the participation of an all-star team in a game, contest or meet regardless of whether the game, contest or meet is approved by any other organization. (NRS 386.433)

Existing regulations set forth the circumstances under which the Association may approve any game, contest or meet for an all-star team that is approved by the National Collegiate Athletic Association or its successor organization. (NAC 386.690-386.694) The term “all-star team” is defined as a team consisting entirely or partially of outstanding players in a sanctioned sport who are selected from among two or more schools to participate in the sanctioned sport, regardless of the manner in which the players are selected or the group or area the team represents. (NAC 386.602) **Section 1** of this regulation revises the provisions governing the approval of an all-star game, contest or meet by requiring the director of the all-star game, contest or meet to submit to the Association: (1) an agreement indemnifying and holding the Association harmless against any loss associated with the all-star game, contest or meet; (2) a roster setting forth the name, school of enrollment and grade of each participant in the all-star game, contest or meet; (3) a signed statement from each parent or legal guardian of a participant in the all-star game, contest or meet who is under 18 years of age authorizing him or her to participate in the all-star game, contest or meet; (4) a statement verifying that a participant in the all-star game, contest or meet will not be charged a fee to participate in the all-star game, contest or meet; (5) a check or money

order for certain fees concerning the approval of the all-star game, contest or meet; and (6) certain other documentation satisfactory to the Association relating to the all-star game, contest or meet.

Existing regulations authorize a pupil who participates in a sanctioned sport to participate in a game, contest or meet for an all-star team that is conducted in another state for that sanctioned sport under certain circumstances. (NAC 386.694) **Section 2** of this regulation revises those provisions by: (1) deleting the requirement that the all-star game, contest or meet be conducted in another state; and (2) requiring the principal or other person in charge of the pupil's school, the athletic director of that school and the head coach of any team of which the pupil is a member to provide written approval for the pupil to participate in the all-star game, contest or meet and to notify the Association of that approval.

Existing regulations set forth certain other requirements concerning the approval by the Association of an all-star game, contest or meet. (NAC 386.692, 386.693) **Section 3** of this regulation repeals those provisions.

**Section 1.** NAC 386.691 is hereby amended to read as follows:

386.691 1. The Association may approve any game, contest or meet for an all-star team ~~that~~ *for a sanctioned sport if the game, contest or meet* is ~~approved by the National Collegiate Athletics Association or its successor organization.~~ *conducted during the season for any other sanctioned sport.* To obtain final approval of a game, contest or meet pursuant to this subsection, the director of the game, contest or meet must submit to the Association ~~a~~ :

*(a) An agreement indemnifying and holding the Association harmless against any loss associated with the all-star game, contest or meet;*

*(b) A roster setting forth the name, school of enrollment and grade of each participant in the all-star game, contest or meet;*

*(c) A signed statement from each parent or legal guardian of a participant in the all-star game, contest or meet who is under 18 years of age authorizing him or her to participate in the all-star game, contest or meet;*

*(d) A statement verifying that each participant in the all-star game, contest or meet will not be charged a fee to participate in the all-star game, contest or meet;*

*(e) A certified check or money order in an amount equal to:*

~~[(a) Fifty]~~

*(1) Two hundred fifty dollars ~~[for each team, if the game, contest or meet is a tournament;~~*  
~~or~~  
*—(b)], which must be received by the Association at least 90 days before the all-star game, contest or meet; and*

*(2) Five hundred dollars ~~[for each person who participates in the game, contest or meet, if the game, contest or meet is not conducted for teams.]~~, which must be received by the Association at least 30 days before the all-star game, contest or meet; and*

*(f) Proof satisfactory to the Association that:*

*(1) The person hosting or sponsoring the all-star game, contest or meet is a nonprofit organization and that all proceeds of the game, contest or meet will be used for charitable purposes;*

*(2) The person hosting or sponsoring the all-star game, contest or meet has obtained a comprehensive policy of liability insurance which insures the person against any liability for personal injuries and property damage with coverage of at least \$1,000,000 per claim and at least \$3,000,000 per occurrence and which names the Association as an additional insured under the policy;*

*(3) Any applicable safety standard will be complied with concerning any equipment used in the all-star game, contest or meet;*

*(4) A sports official who is certified by the Association to officiate a sanctioned sport will officiate the all-star game, contest or meet;*

*(5) Any applicable requirement for security specified by the school district in which the all-star game, contest or meet will be conducted will be complied with;*

*(6) Any applicable requirement of the National Collegiate Athletic Association or its successor organization concerning amateurism will be complied with;*

*(7) Each holder of a lifetime pass issued pursuant to NAC 386.871 or a courtesy pass issued pursuant to NAC 386.872 will be admitted to the all-star game, contest or meet free of charge;*

*(8) Any fees for admission to the all-star game, contest or meet will not exceed \$10 per person; and*

*(9) At least one trainer who is certified as an athletic trainer by the National Athletic Trainers' Association or its successor organization will attend and be available to provide services at the all-star game, contest or meet and each practice for the all-star game, contest or meet.*

*2. The Association may:*

*(a) Except as otherwise provided in NAC 386.816, restrict the date, time and place of an all-star game, contest or meet approved pursuant to subsection 1 to avoid, if possible, any conflict with a game, contest or meet for another sanctioned sport.*

*(b) Impose reasonable requirements on the director of the all-star game, contest or meet to protect the eligibility, health, safety or welfare of any pupil who participates in the all-star game, contest or meet.*

3. *Not more than 72 hours after the completion of an all-star game, contest or meet that is approved pursuant to subsection 1, the director of the all-star game, contest or meet shall submit to the Executive Director a report discussing each injury, if any, suffered by a participant in the all-star game, contest or meet.*

4. Not more than ~~90~~ 30 days after the completion of an all-star game, contest or meet that is approved pursuant to subsection 1, the director of the all-star game, contest or meet shall submit to the Executive Director a written summary of the all-star game, contest or meet. The written summary must be submitted on a form approved by the Association ~~+~~ *and must include, without limitation:*

*(a) A statement setting forth the amount of money paid and received for attendance at the all-star game, contest or meet; and*

*(b) A reconciliation statement concerning the revenue and expenditures of the all-star game, contest or meet.*

5. If the director of ~~the~~ *an all-star* game, contest or meet *that is approved pursuant to subsection 1* fails to submit a *report pursuant to subsection 3 or a* written summary pursuant to ~~this~~ subsection ~~+~~ 4, the Association may refuse to approve any other all-star game, contest or meet conducted by that director.

**Sec. 2.** NAC 386.694 is hereby amended to read as follows:

386.694 A pupil who participates in a sanctioned sport may participate in a game, contest or meet for an all-star team that is conducted ~~in another state~~ for that sanctioned sport if:

1. The pupil is an amateur in the sanctioned sport in accordance with NAC 386.697;
2. The game, contest or meet is not held during the season for the sanctioned sport; and

3. The ~~{participation of}~~ *principal or other person in charge of the pupil's school, the athletic director of that school and the head coach of any team of which* the pupil ~~{in}~~ *is a member at the time* the *all-star* game, contest or meet ~~{does not interfere with his or her ability to participate in any other sanctioned sport.}~~ *is conducted:*

*(a) Provide written approval for the pupil to participate in the all-star game, contest or meet; and*

*(b) Notify the Association of that approval.*

**Sec. 3.** NAC 386.692 and 386.693 are hereby repealed.

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#### TEXT OF REPEALED SECTIONS

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**386.692 Approval by Association of competition when member of all-star team is in 12th grade and is not eligible to participate in sanctioned sport; approval by Board of competition when member of all-star team is graduate of high school. (NRS 386.430)**

1. Except as otherwise provided in subsection 2, if any member of an all-star team is a pupil who is enrolled in 12th grade in a school and who is not eligible to participate in a sanctioned sport, the Association may approve any game, contest or meet in which the all-star team participates if:

(a) The National Collegiate Athletics Association, or its successor organization, approves the membership of the pupil on the all-star team, if applicable;

(b) Any money received from conducting the game, contest or meet is designated for a scholarship or other charitable purpose;

(c) The school where the game, contest or meet is conducted prohibits the athletic director or principal of the school, or a coach or teacher of the school, from providing assistance for conducting the game, contest or meet unless the school authorizes the athletic director, principal, coach or teacher to use personal leave to provide that assistance;

(d) Before the game, contest or meet is conducted, the school district in which the game, contest or meet is conducted and the National Federation of State High School Associations, or its successor organization, approve the use of any equipment or facility of the school district for the game, contest or meet; and

(e) The Board approves each sponsor, if any, for the game, contest or meet.

2. The Board shall not approve any game, contest or meet in which an all-star team participates if a member of the all-star team has graduated from high school.

**386.693 Approval by Association of competition when each member of all-star team is eligible to participate in sanctioned sport. (NRS 386.430)** If each member of an all-star team is a pupil who is eligible to participate in a sanctioned sport, the Association may approve any game, contest or meet in which the all-star team participates if:

1. Before the game, contest or meet is conducted, the National Collegiate Athletics Association or its successor organization and the National Federation of State High School Associations or its successor organization approve the game, contest or meet;

2. Any money received from conducting the game, contest or meet is designated for a scholarship or other charitable purpose;

3. The game, contest or meet is not held during the season for any sanctioned sport;

4. The school where the game, contest or meet is conducted prohibits the athletic director or principal of the school, or a coach or teacher of the school, from providing assistance for conducting the game, contest or meet unless the school authorizes the athletic director, principal, coach or teacher to use personal leave to provide that assistance;

5. Before the game, contest or meet is conducted, the school district in which the game, contest or meet is conducted and the National Federation of State High School Associations, or its successor organization, approve the use of any equipment or facility of the school district for the game, contest or meet; and

6. The Board approves each sponsor, if any, for the game, contest or meet.



**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE No. R012-14**

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 386.

**1. A clear and concise explanation of the need for the adopted regulation.**

This regulation is necessary to address the ever changing nature of high school athletics governed by the Nevada Interscholastic Activities Association (“NIAA”). This regulation is being implemented in response to Senate Bill (“SB”) 125 which was passed during the 2013 legislative session. SB 125 mandates revision to NIAA regulations addressing the conducting of all-star high school games and competitions sponsored by interested individuals and entities.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, and notices of intent to act upon the regulation were sent by U.S. mail and by email to persons who were known to have an interest in the subject of the governance of high school athletics in the State of Nevada, including all member schools of the NIAA, and to all persons who had specifically requested such notice. These documents were also made available at the website of the NIAA’s office, [www.niaa.com](http://www.niaa.com), and were mailed to all county libraries in Nevada and posted at the following locations:

Nevada Interscholastic  
Activities Association  
549 Court Street  
Reno, NV 89501

Washoe County School District  
425 East Ninth Street  
Reno, NA 89520

Clark County School District  
2832 E. Flamingo  
Las Vegas, NV 89121

These regulations were reviewed by the NIAA Board of Control at regularly scheduled quarterly meetings in 2013 and 2014, which included the opportunity for public comment concerning the proposed amendments. Thereafter, on or about February 25, 2014, the Executive Director issued a Notice of Hearing for the Adoption of Regulations pursuant to NRS 233B.0603, which incorporated in the proposed amendments all discussions held at the above-described Board of Control meetings, as well as comments from LCB staff attorneys. That Notice is attached as Exhibit “1.” On March 31, 2014 this regulation was again reviewed by the NIAA Board of Control at its regularly scheduled meeting of that date with the opportunity for public comment.

3. **The number of persons who:**
  - (a) **Attended each hearing: 25**
  - (b) **Testified at each hearing: 0**
  - (c) **Submitted to the agency written comments: 0**
  
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information is provided to the agency conducting the hearing:**
  - (a) **Name;**
  - (b) **Telephone number;**
  - (c) **Business address;**
  - (d) **Business telephone number;**
  - (e) **Electronic mail address; and**
  - (f) **Name of entity or organization represented.**

There was no testimony provided by any of the persons in attendance at this meeting and, therefore, no information to provide in response hereto.

5. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

No businesses are affected by these regulations. Comments were solicited from member schools of the NIAA and other persons having an interest in the governance of interscholastic high school activities in the state, as well as members of the public. The summary of those comments is included in response to question No. 1, above.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was adopted on March 31, 2014, and included all of the changes suggested at prior meetings where the regulations were discussed.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Both adverse and beneficial effects; and**
- (b) **Both immediate and long-term effects.**

- (a) Both adverse and beneficial effects:

This regulation will have no economic effect, beneficial or adverse, with respect to any business or the public.

(b) Both immediate and long-term effects:

See response to No. 5.a., above.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The fee to host an all-star game charged to an individual or entity will be \$750.00. The NIAA is uncertain as to how many requests to host all-star games will be made in a fiscal year. All fees generated will be used to fund special projects including the “Top 10 Student Athlete” award dinner, as well as the “NIAA Hall of Fame” award and dinner program.

**12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use to determine the impact of the regulation on a small business?**

As stated above, there are no economic effects with respect to the amendments on any business in the State of Nevada. These amendments apply to the governance of high school athletics and activities in the State of Nevada and generally do no impact private business.

Dated this 29th day of April 2014.

NEVADA INTERSCHOLASTIC  
ACTIVITIES ASSOCIATION

By: \_\_\_\_\_/s/

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# EXHIBIT 1

**NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS  
NRS 233B.0603**

The Nevada Interscholastic Activities Association (“NIAA”) will hold a public hearing starting at 10:00 a.m. on March 31 and April 1, 2014, at the Aliante Spa and Resort, 7300 N. Aliante Parkway, North Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of Regulations that pertain to Chapter 386 of the Nevada Administrative Code.

The following is provided pursuant to the requirements of NRS 233B.0603:

1. The adoption of these Regulations are needed for purposes of the governance of high school athletics and activities throughout the State of Nevada which are governed by the NIAA.

2. The Regulation changes will address the following:

(a) NAC 386.691 – Approval by Association of Competition approved by National Collegiate Athletics Association; submission of written Summary of Competition;

(b) NAC 386.694 – Conditions under which pupil may participate in competition in another state;

(c) NAC 386.692 – Approval by Association of Competition when member of all-star team is in 12<sup>th</sup> grade and is not eligible to participate in sanctioned sport; approval by Board of Completion when member of all-star team is a graduate of high school - repealed; and

(d) NAC 386.693 – Approval by Association of Competition when each member of all-star team is eligible to participate in sanctioned sport - repealed.

3(a). The economic effect of the Regulation on high school athletics will be minimal.

(b). The immediate and long term effects of this Regulation will be to provide a better source of information to the public regarding the governance of high school athletics and activities, including high school athletes, parents, coaches and officials all of whom are governed by the NIAA.

4. The estimated cost to the NIAA for purposes of enforcement of the proposed Regulation are minimal.

5. This Regulation does not overlap or duplicate any regulations of other state or local governmental agencies.

6. The adoption of this Regulation is not required pursuant to federal law.

7. The adoption of this Regulation does not include any provisions which are more stringent than any federal regulation. *See*, paragraph 6, above.

8. The adoption of this Regulation does establish a new fee charged to persons or entities wishing to sponsor high school all-star competitions. All fees will be used to assist the NIAA in funding special projects including the “Top 10 Student Athlete” award and dinner and the “NIAA Hall of Fame” dinner and award.

Persons wishing to comment upon the proposed action of the NIAA may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Eddie Bonine, Executive Director, Nevada Interscholastic Activities Association, 549 Court Street, Reno, Nevada 89501. Written submissions must be received by the NIAA on or before March 24, 2014. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NIAA may proceed immediately to act upon any written submissions.

A copy of this Notice and the Regulations to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be adopted will be available at 549 Court Street, Reno, Nevada 89501, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This Notice and the text of the proposed Regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <<http://www.leg.state.nv.us>>. Copies of this Notice and the proposed Regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This Notice of Hearing has been posted at the following locations on or before February 25, 2014:

Office of the Nevada Interscholastic Activities Association  
549 Court Street  
Reno, Nevada 89501

Washoe County School District  
425 East Ninth Street  
Reno, Nevada 89520

Clark County School District  
2832 E. Flamingo  
Las Vegas, Nevada 89121